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Office of the General Counsel

US EPA RECORDS CENTER REGION 5



545497

September 7, 2005

Mr. Thomas Turner  
Associate Regional Counsel  
United States Environmental Protection Agency  
Region V  
77 West Jackson Blvd. C-14J  
Chicago, Illinois 60604

**Re: Administrative Order on Consent Modification Proposal  
Hamilton Sundstrand  
Area 9/10 Southeast Rockford Groundwater Site  
Rockford, Illinois**

Dear Mr. Turner:

As we discussed in our telephone conversation on Wednesday August 31, 2005, we are attaching our suggested approach for modifying the existing Administrative Order on Consent for Remedial Design for the Southeast Rockford Groundwater Site dated January 13, 2003 (AOC) between Hamilton Sundstrand Corporation (HS) and the United States Environmental Protection Agency (USEPA). The proposed modification to the AOC provides an administrative mechanism for proceeding with the voluntary source mass reduction activities at the Outside Container Storage Area (OSA) located within Area 9/10. The details of the OSA source mass removal were provided to USEPA in a work plan submitted by HS on April 27, 2005. The work plan was approved with conditions by USEPA in consultation with Illinois Environmental Protection Agency in a letter dated August 15, 2005 that was sent to SECOR International Incorporated (SECOR), the environmental consultant for HS.

As we discussed, the source reduction activities to be undertaken constitute an appropriate and positive step towards addressing the conditions presented by the OSA. Since all parties share the common goal of wanting to see this work completed, the mechanism for getting it done should be consistent with that spirit of mutual cooperation. To this end, HS believes that the existing AOC should serve as the vehicle for ensuring that these activities are undertaken.

In accordance with Section XXX (Modification of Consent Order), the AOC may be amended by mutual agreement of USEPA and HS. The proposed modifications to the AOC are limited to the

text contained in Sections V (Statement of Purpose) and IX (Additional Work). The original complete text of these Sections is presented along with the proposed text modifications (in track changes format) in Attachment A.

We appreciate the open, cooperative atmosphere that we have enjoyed with USEPA on this matter and look forward to resolving this issue as soon as possible. In an effort to move forward with the remedial design activities at Area 9/10, and in particular the OSA, we submit the proposed modifications for your consideration. If you have any questions, please do not hesitate to contact either Scott Moyer at (815) 226-6232 or me at (860) 728-7295. We look forward to your response.

Sincerely,

**Hamilton Sundstrand Corporation**  
A Subsidiary of United Technologies Corporation

A handwritten signature in black ink, appearing to read "Kathleen M. McFadden", written over a horizontal line.

Kathleen M. McFadden

Enclosure

cc: R. Hart, USEPA  
S. Moyer, HS  
D. Curnock, SECOR

**ATTACHMENT A**

**Administrative Order on Consent for Remedial Design  
Area 9/10  
Southeast Rockford Groundwater Site  
Hamilton Sundstrand Corporation**

**Dated January 13, 2003**

**Proposed Modifications to Sections V and IX**

## V. STATEMENT OF PURPOSE

A. The mutual objectives of EPA and Respondent in entering into this Consent Order, are: (1) to protect human health, welfare and the environment at site Area 9/10 by performance of the Remedial Design for Remedial Action and other pertinent agreed upon activities deemed appropriate by both parties; and (2) to recover response and oversight costs incurred by EPA with respect to the previous and present work conducted at site Area 9/10.

B. The activities conducted pursuant to this Consent Order are subject to approval by EPA. Respondent shall employ sound scientific, engineering, and construction practices and all activities undertaken shall be consistent with CERCLA, the NCP, and other applicable laws.

C. EPA and Respondent each recognize that Respondent is undertaking RD work for all of Area 9/10 and is settling all response and oversight costs for Area 9/10 through this Consent Order.

## IX. ADDITIONAL WORK

A. In the event EPA or the Respondent determine that additional work, not otherwise included in the SOW; ~~including remedial investigatory work and engineering evaluation~~, is necessary to accomplish the objectives of this Consent Order, notification of additional work shall be provided to all parties. Additional work may include such activities as remedial investigatory work, engineering evaluation, and limited source reduction.

B. Additional work determined to be necessary by Respondent shall be subject to the written approval of EPA.

C. Additional work determined to be necessary by Respondent and approved by EPA, or determined to be necessary by EPA and requested of Respondent, shall be completed by Respondent in accordance with the standards and specifications determined or approved by EPA. Respondent shall propose a schedule for additional work for EPA approval. EPA may modify or determine the schedule for additional work. Additional work shall be performed in a manner consistent with the purposes and objectives of this Consent Order, and conform with the requirements of Section VIII (Work to be Performed), as applicable.